

**2005 DRAFTING REQUEST**

**Bill**

Received: **12/07/2005**

Received By: **rnelson2**

Wanted: **Soon**

Identical to LRB:

For: **Robert Ziegelbauer (608) 266-0315**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - costs and fees**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Ziegelbauer@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Use of CCAP by the register in probate for the collection and payment of fees

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/P1	rnelson2 12/13/2005	jdyer 12/15/2005	rschluet 12/15/2005	_____	lemery 12/15/2005		S&L
/1	rnelson2 12/15/2005	jdyer 12/15/2005	jfrantze 12/16/2005	_____	mbarman 12/16/2005	lnorthro 12/21/2005	

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/P1	rnelson2 12/13/2005	jdyer 12/15/2005	rschluet 12/15/2005		lemery 12/15/2005		

FE Sent For:

12/15/05  
Self  
12/15/05  
**<END>**

## 2005 DRAFTING REQUEST

### Bill

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Wanted: Soon

Identical to LRB:

For: Robert Ziegelbauer (608) 266-0315

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This file may be shown to any legislator: NO

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May Contact:

Addl. Drafters:

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Submit via email: YES

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### Pre Topic:

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### Topic:

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/?	rnelson2	PI 12/15/05					
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FE Sent For:

<END>

**Schenck**

Government &amp; Not-For-Profit Solutions

BETTER PEOPLE. BETTER RESULTS.

November 21, 2005

Bob,

of the following  
month following  
receipt

Co. Treasurer  
59.25 (3) (F) 2.

Enclosed are copies of the relevant statutes. For clerk of courts, the way it works now is that the courts pay to the County Treasurer, the monthly fines and costs by the 15<sup>th</sup>. Most counties it is around the 6<sup>th</sup> to 10<sup>th</sup>. The County Treasurer is then required to pay the state their share by the 15<sup>th</sup>. Wis Stat 59.40 is sort of confusing, in (m) I think they mean state treasurer, in (n) they mean County Treasurer.

Re:  
59.40 (2)  
(m)  
(n)

No - Co. Treasurer  
for both

With CCAP the probate receipts would be intermixed with the regular receipts and deposited into the clerk of courts bank account regularly (probably daily). Reports at month end would show the total of the probate receipts by type for deposit and credit to the probate accounts on the GL. Proper amounts could then be paid to the state like other state court fees and fines.

A bigger issue is why have a separate "register in probate". Most efficient would be just to have it as a subfunction of the clerk of courts office. Big problem would probably be that the position, I believe, is appointed by the judge.

814.66 (3)

Anyway, I think changes should be considered. Should be able to eliminate effort and personnel.

Any questions, give me a call. Thanks for your help.

  
Mike

CCAP - monthly report  
Probate to use CCAP system,  
without any



## Nelson, Robert P.

---

**To:** Shovers, Marc  
**Subject:** RE: Fax received (2p) from:'1 920 684 6783' on ID:2823625

This should be your area, but precedent and

---

**From:** Shovers, Marc  
**Sent:** Wednesday, November 30, 2005 2:23 PM  
**To:** Nelson, Robert P.  
**Subject:** FW: Fax received (2p) from:'1 920 684 6783' on ID:2823625

Hi Bob:

I got a call from Luanne, who wants to set up a meeting w/ Rep. Ziegelbauer and an LRB attorney to discuss the issues raised in the attached fax sent from a constituent. It has to do w/ clerk of court fees in s. 59.40 and register of in probate in s. 814.66. Luanne called me cuz I'm listed under "Counties", but I think that you are probably the best person to meet w/ Rep. Ziegelbauer to discuss this stuff. Check out the fax and let me know what you think. If you agree that you should meet w/ the rep., call Luanne @ 6-0315 and schedule the meeting. Thanks.

Marc

-----Original Message-----

**From:** Kostelic, Luanne  
**Sent:** Wednesday, November 30, 2005 2:14 PM  
**To:** Shovers, Marc  
**Subject:** FW: Fax received (2p) from:'1 920 684 6783' on ID:2823625

See attached . . . ignore page 2 :-)

Office of Rep. Bob Ziegelbauer  
Staff: Luanne Kostelic, Toby Zutz  
State Capitol:  
207-North, PO Box 8953; Madison, WI 53708-8953  
Phone: (608) 266-0315 or Toll Free: 1-888-529-0025  
Fax: (608) 282-3625 Website: <http://www.bobziegelbauer.com> In the District:  
1213 S. 8th Street, PO Box 325, Manitowoc, WI 54221-0325  
Office: (920) 684-6783, Home: (920) 684-4362

-----Original Message-----

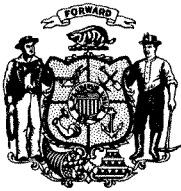
**From:** Faxination  
**Sent:** Wednesday, November 30, 2005 1:37 PM  
**To:** Rep.Ziegelbauer  
**Subject:** Fax received (2p) from:'1 920 684 6783' on ID:2823625

Incoming Fax:  
Description:

Explanation:  
Sent to:'2823625' CSID:1 920 684 6783 (0)

Items received: 2  
Duration: 56 seconds      Transmission speed: 9600 baud  
Gateway ID: 0      Job Reference: 68172

~~~~~ << File: 68172000.tif >>



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-4210/P1

RPN: n:....

jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

P-Note

- 1 AN ACT ...; relating to: use of the circuit court automation system by registers  
2 in probate.

*Analysis by the Legislative Reference Bureau*

Currently, the register in probate is required to pay to the county treasurer the fees he or she collects on the first Monday of each month. The county treasurer then makes a report to the secretary of administration of the fees collected on the 5th day of January, April, July, and October, sending 66.67% of the fees to state and retaining the remainder for the county. However, the county treasurer's duties require him or her to submit a report and appropriate fees to the secretary of administration by the first day of each month. In addition, the clerk of circuit courts, of which the register in probate is a part, is required to pay to the county treasurer all fees collected by the 15th of the month following the receipt of the money. fifth

This bill removes the requirement that the register in probate pay the money to the county treasurer each month and the requirement that the county treasurer make quarterly reports to the secretary of administration. The bill requires the register in probate to use the circuit court automated information system for making payments to the clerk of circuit court, who then makes the payments to the county treasurer.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

X  
1 SECTION 1. 814.66 (3) of the statutes is amended to read:

2 814.66 (3) The register in probate shall, ~~on the first Monday of each month,~~  
3 using the circuit court automated system, pay ~~into the office of the county treasurer~~  
4 to the clerk of circuit court all fees collected by him or her ~~and in his or her hands and~~  
5 still unclaimed as of that day. ~~Each~~ <sup>strike delete</sup> The county treasurer shall make a report under  
6 ~~oath to the secretary of administration on or before the 5th day of January, April,~~  
7 ~~July, and October of all fees received by him or her under sub. (1) (a) to (f) up to the~~  
8 ~~first day of each of those months and shall at the same time pay 66.67% of the fees~~  
9 collected under this subsection <sup>✓</sup> to the secretary of administration for deposit in the  
10 general fund. ~~Each county treasurer and~~ shall retain the balance of the fees <sup>plain</sup> received  
11 ~~by him or her under this section~~ <sup>plain</sup> for the use of the county.

History: 1981 c. 317; 1985 a. 329; 1989 a. 56; 1991 a. 220, 281; 1993 a. 160; 1995 a. 27, 38, 224; 1997 a. 83; 2001 a. 16; 2003 a. 33.

12 SECTION 2. Effective date.

13 (1) This act takes effect on the first day of the 6th month beginning after  
14 publication. ✓

15 (END)

d-note  
↓



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4210/P1dn

RPN:.....

*Jld*

Sections 59.25 (3) (f) 2., 59.40 (2) (m), and 814.66 (3) seem to conflict with each other, although I would guess that the county treasurers, clerks, and registers in probate probably have created a system that works in their county. I tried to draft this bill to remove those inconsistencies.

I was told that all of the Clerks of Circuit Court except Portage County use the Circuit Court Automated Program (CCAP), but in some counties the registers in probate use that system while in others they do not.

\* I also saw that AB427 has been introduced by Rep. Schneider and that bill requires the use of CCAP by all counties, so this draft could possibly be added as an amendment to that bill.

\* I was told that the courts now call CCAP the "Consolidated Court Automation Program" not what it is called in the statutes.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4210/P1dn  
RPN:jld:rs

December 15, 2005

Sections 59.25 (3) (f) 2., 59.40 (2) (m), and 814.66 (3) seem to conflict with each other, although I would guess that the county treasurers, clerks, and registers in probate probably have created a system that works in their county. I tried to draft this bill to remove those inconsistencies.

I was told that all of the Clerks of Circuit Court except Portage County use the Circuit Court Automated Program (CCAP), but in some counties the registers in probate use that system while in others they do not.

I also saw that AB-427 has been introduced by Rep. Schneider and that bill requires the use of CCAP by all counties, so this draft could possibly be added as an amendment to that bill.

I was told that the courts now call CCAP the "Consolidated Court Automation Program," not what it is called in the statutes.

Robert P. Nelson  
Senior Legislative Attorney  
Phone: (608) 267-7511  
E-mail: robert.nelson@legis.state.wi.us

**Nelson, Robert P.**

---

**From:** Emery, Lynn  
**Sent:** Thursday, December 15, 2005 3:53 PM  
**To:** Nelson, Robert P.  
**Subject:** FW: Draft review: LRB 05-4210/P1 Topic: Use of CCAP by the register in probate for the collection and payment of fees

---

**From:** Rep.Ziegelbauer  
**Sent:** Thursday, December 15, 2005 3:42 PM  
**To:** Emery, Lynn  
**Subject:** RE: Draft review: LRB 05-4210/P1 Topic: Use of CCAP by the register in probate for the collection and payment of fees

Please prepare for introduction.

Thank you.

**Office of Rep. Bob Ziegelbauer**

**Staff:** Luanne Kostelic, Toby Zutz

**State Capitol:**

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Phone: (608) 266-0315 or Toll Free: 1-888-529-0025

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**In the District:**

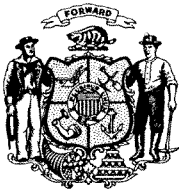
1213 S. 8th Street, PO Box 325, Manitowoc, WI 54221-0325

Office: (920) 684-6783, Home: (920) 684-4362

---

**From:** Emery, Lynn  
**Sent:** Thursday, December 15, 2005 10:06 AM  
**To:** Rep.Ziegelbauer  
**Subject:** Draft review: LRB 05-4210/P1 Topic: Use of CCAP by the register in probate for the collection and payment of fees

**Following is the PDF version of draft LRB 05-4210/P1 and drafter's note.**



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-4210/P1

RPN/jld/rs

500A (12/05)

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Reger

- 1 AN ACT *to amend* 814.66 (3) of the statutes; **relating to:** use of the circuit court
- 2 automation system by registers in probate.

---

***Analysis by the Legislative Reference Bureau***

Currently, the register in probate is required to pay to the county treasurer the fees he or she collects on the first Monday of each month. The county treasurer then makes a report to the secretary of administration of the fees collected on the fifth day of January, April, July, and October, sending 66.67 percent of the fees to state and retaining the remainder for the county. However, the county treasurer's duties require him or her to submit a report and appropriate fees to the secretary of administration by the first day of each month. In addition, the clerk of circuit courts, of which the register in probate is a part, is required to pay to the county treasurer all fees collected by the 15th of the month following the receipt of the money.

This bill removes the requirement that the register in probate pay the money to the county treasurer each month and the requirement that the county treasurer make quarterly reports to the secretary of administration. The bill requires the register in probate to use the circuit court automated information system for making payments to the clerk of circuit court, who then makes the payments to the county treasurer.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***



## **Barman, Mike**

---

**From:** Kostelic, Luanne  
**Sent:** Wednesday, December 21, 2005 9:20 AM  
**To:** Barman, Mike  
**Subject:** Draft review: LRB 05-4210/1 Topic: Use of CCAP by the register in probate for the collection and payment of fees

**Attachments:** 05-42101.pdf

Please jacket --



05-42101.pdf (11  
KB)

### **Office of Rep. Bob Ziegelbauer**

**Staff:** Luanne Kostelic, Toby Zutz

### **State Capitol:**

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Office: (920) 684-6783, Home: (920) 684-4362

**Nelson, Robert P.**

---

**From:** Nancy Rottier [Nancy.Rottier@wicourts.gov]  
**Sent:** Friday, January 20, 2006 10:36 AM  
**To:** Nelson, Robert P.  
**Cc:** Carmichael, Chris  
**Subject:** AB 924

I notice in the analysis of AB 924, there is a statement that the register in probate is a part of the clerk of courts office. This is not accurate and is already causing some consternation in the clerk/register community. I had talked to Chris Carmichael a few weeks ago about the relationship of the two offices; I hope I did not give information that led to this statement. The offices are separate from a statutory basis and, in the majority of counties, operate separately. In some counties, the two have been physically joined together and the clerk of court (and staff) perform the duties of the register in probate.

My understanding is that where the offices are joined together, all accounting is done by the clerk using the financial management portion of CCAP. Where the offices are separate, the RIP uses the CCAP case management functions but not the financial management functions. I am rechecking with the head of CCAP to be sure this is accurate.

**Nelson, Robert P.**

---

**From:** Kostelic, Luanne  
**Sent:** Wednesday, January 25, 2006 9:56 AM  
**To:** Nelson, Robert P.  
**Subject:** AB 924

RE: AB 924, specifically the analysis portion, *"In addition, the clerk of circuit courts, of which the register in probate is a part, is required to pay the county treasurer . . . "*

Bob has received a call from his register in probate not happy with that description. Can it be changed or is there an explanation on why it reads that way?

Thanks,

Luanne

**Office of Rep. Bob Ziegelbauer**

**Staff:** Luanne Kostelic, Toby Zutz

**State Capitol:**

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Phone: (608) 266-0315 or Toll Free: 1-888-529-0025

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**In the District:**

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Office: (920) 684-6783, Home: (920) 684-4362



TODAY

2005 - 2006 LEGISLATURE

LRB-4210/1

RPN:jld:jf

## 2005 ASSEMBLY BILL 924

prepare a corrected copy

January 19, 2006 - Introduced by Representative ZIEGELBAUER. Referred to Committee on Urban and Local Affairs.

- 1 AN ACT *to amend* 814.66 (3) of the statutes; **relating to:** use of the circuit court
- 2 automation system by registers in probate.

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### *Analysis by the Legislative Reference Bureau*

Currently, the register in probate is required to pay to the county treasurer the fees he or she collects on the first Monday of each month. The county treasurer then makes a report to the secretary of administration of the fees collected on the fifth day of January, April, July, and October, sending 66.67 percent of the fees to state and retaining the remainder for the county. However, the county treasurer's duties require him or her to submit a report and appropriate fees to the secretary of administration by the first day of each month. In addition, the clerk of circuit courts, ~~of which the register in probate is a part,~~ is required to pay to the county treasurer all fees collected by the 15th of the month following the receipt of the money.

This bill removes the requirement that the register in probate pay the money to the county treasurer each month and the requirement that the county treasurer make quarterly reports to the secretary of administration. The bill requires the register in probate to use the circuit court automated information system for making payments to the clerk of circuit court, who then makes the payments to the county treasurer.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

## ASSEMBLY BILL 924

## SECTION 1

**SECTION 1.** 814.66 (3) of the statutes is amended to read:

814.66 (3) The register in probate shall, on the first Monday of each month, using the circuit court automated system, pay into the office of the county treasurer to the clerk of circuit court all fees collected by him or her ~~and in his or her hands and still unclaimed as of that day.~~ Each. The county treasurer shall make a report under oath to the secretary of administration on or before the 5th day of January, April, July, and October of all fees received by him or her under sub. (1) (a) to (f) up to the first day of each of those months and shall at the same time pay 66.67% of the fees collected under this subsection to the secretary of administration for deposit in the general fund. ~~Each county treasurer~~ and shall retain the balance of the fees received by him or her under this section for the use of the county.

**SECTION 2. Effective date.**

(1) This act takes effect on the first day of the 6th month beginning after publication.

(END)